

THE EFFECTIVE DATE OF THIS RESOLUTION IS JULY 1, 2010
RESOLUTION NO. 10-12

RESOLUTION OF
THE BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

Re: Amendments to Water and Sewer Regulations

RECITALS

The Board of County Commissioners of Frederick County, Maryland ("Board") deems it appropriate to revise Sections VII, VIII, X and XI of the Water and Sewer Rules and Regulations and to delete certain appendices.

The revisions include changes to the method of calculating construction inspection and overhead fees, the deletion of outdated or inaccurate provisions and the deletion of several appendices containing fees that are being adopted by separate action of the Board.

A hearing on the proposed revisions and deletions from the Water and Sewer Rules and Regulations was held on May 18, 2010 at which time members of the public and other interested parties had an opportunity to comment on the proposals.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that the text of Sections VII, VIII, X and XI of the Water and Sewer Rules and Regulations be amended as shown in Attachment 1;

AND BE IT FURTHER RESOLVED, that all provisions of the Water and Sewer Rules and Regulations not changed by Attachment 1 or deleted by this Resolution shall remain in full force and effect.

AND BE IT FURTHER RESOLVED, that Appendices C, D and E be deleted from the Water and Sewer Rules and Regulations;

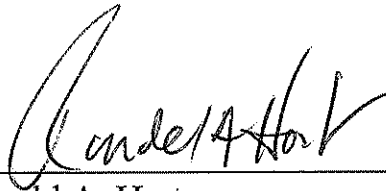
AND BE IT FURTHER RESOLVED that Appendix F be relabeled as Appendix C.

AND BE IT FURTHER RESOLVED, that this Resolution shall take effect on July 1, 2010.


The undersigned hereby certifies that this Resolution was approved and adopted on 18th day of MAY, 2010.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND



Ronald A. Hart
County Manager

 (SEAL)

Jan H. Gardner
President

WK 5/18/10

SECTION VII. ~~DESIGN AND CONSTRUCTION~~ INSPECTION AND OVERHEAD FEES

~~The design and construction overhead fees will be fixed and collected, and from time to time revised or amended by Resolution of the Board of County Commissioners. An applicant pursuing construction of water or sewer lines or facilities must pay actual construction inspection fees and charges. The initial construction inspection and overhead~~ overhead fee deposit ~~must be provided by the applicant in advance of the Notice to Proceed~~ award of the construction contract with design and/or construction, and will be estimated based on a per diem amount times the project duration in days. The A-final final construction inspection and overhead fee and charges will be determined based on actual expenses charged to the project and reconciled at the conclusion of the construction design and/or construction contract charges. The final overhead fee will be based on the same rate schedule used to determine the initial overhead fee. If the final construction inspection and overhead fee expenditures exceeds the initial inspection and overhead fee deposit paid, the applicant will must provide the County with the additional funds required prior to approval and acceptance of the facility(ies). If the final construction inspection and overhead fee expenditures is are less than the initial construction inspection and overhead fee deposit paid, the County will forward

refund the excess amount to the applicant. ~~prior to approval and acceptance of the facility(ies).~~ The construction inspection and overhead fee is intended to cover ~~County charges~~ expenses ~~for review of design,~~ inspection of construction, administrative, legal, and consultant services directly related to accomplishing the ~~design and/or construction~~ of the lines or facilities. It is the intent of this Section that the fees ~~schedule~~ described herein are to be applied to ~~design and/or~~ all construction contracts whether ~~the~~ said contracts are entered into by the applicant or by the County on behalf of the applicant requesting service. ~~(See Appendix for current fee schedule).~~

SECTION VIII. INSPECTION OF CONNECTIONS TO THE SYSTEM

~~A. A. If the property is to be connected to a County-owned water and/or sewer system, the applicant must execute a Service Agreement with the Division of Utilities and Solid Waste Management, pay the appropriate connection charge (capacity fee) as calculated by the County., pay the inspection fee charge, and pay the Certificate of Use and Occupancy Fee as established by resolution or ordinance of the Board of County Commissioners. If the property is to be connected to a privately owned water and/or sewer system or to a local municipally owned water and/or sewer system that the County has agreed to inspect, then the applicant must also apply for a Connection Permit, but only has to pay the inspection fee and the Certificate of Use and Occupancy Fee.~~

If the property is to be connected to a County owned water and/or sewer system that is within the municipal boundary of Frederick City, then the applicant must also pay for inspection of the connection.

B. The specifications in the County Plumbing Code provisions shall apply to ~~be followed~~ for water and sewer line construction from the

property line to the structure.

~~C. The applicant must notify the Office of Construction Management when the construction will be started and at what location. The notification must be received twenty-four (24) hours prior to the commencement of construction.~~

~~DC.~~ Type of Inspection:

- ~~1. The Office of Construction Management will provide at least modified full-time inspection on all projects and it will be the responsibility of the inspector on the project to approve or disapprove the connection.~~
- ~~2. If If, at the discretion of the County Office of Construction Management, it is determined that full-time on-site water and/or sewer construction inspection is needed for privately owned water infrastructure is needed or if the property is to be connected lies within a municipality where the County has agreed to perform inspections, a Modified Public Works Agreement (MPWA) shall be prepared and executed ~~required~~ instead of the connection fee schedule. Said ~~Modified Public Works Agreement~~ The MPWA shall be accompanied by a contractor's proposal and the construction inspection and~~

overhead fee deposit (estimated based on a per diem amount times the duration of construction, pursuant to Section VII.). estimated by the construction contract fee schedule, Appendix D. The fFinal adjustment of the construction inspection and overhead fee shall be determined based on actual expenses charged to the project and reconciled as specified in Section VII. /the inspector's total time plus fringes times the current overhead factor.

E. If approved, the Engineering Department shall be responsible for sending a signed copy of the Connection Permit to the Plumbing Department and a signed copy to the Division of Utilities and Solid Waste Management.

F. As stated in "A", if the property is to be connected to a Frederick County owned water and/or sewer system, the Certificate of Use and Occupancy fee will be paid at the time the applicant applies for a Connection Permit.

~~G. If the property is to be connected to a privately owned water and/or sewer system, or a local municipally owned water and/or sewer system that the County has agreed to inspect, the applicant must pay the Certificate of Use and Occupancy fee, prior to the Building Permit being issued.~~

~~H. The Building Permit will signify that the Certificate of Use and Occupancy fee has been paid.~~

~~I. After all the work related to the structure is completed, the Permits and Inspection Department will forward the applicable Certificate of Use and Occupancy to Office of Construction Management for final inspection.~~

~~J. The Office of Construction Management will make a final inspection of the sewer cleanouts, curb stop boxes or meter vaults, and meters.~~

~~K. If everything is in order, the Certificate of Use and Occupancy shall be approved by the Office of Construction Management and forwarded to the Office of Permits and Inspection.~~

SECTION X. ALLOCATION OF CONNECTIONS

A. General Provisions

1. It is determined to be necessary to have a procedure where sewer or water connections, because of their scarcity within a system, must be allocated in a manner that provides for an equitable distribution based upon the County's growth and fiscal management policies.
2. If a parcel is subdivided for single family attached or detached residences within a water and/or sewer service district, each lot created will be allocated a water and/or sewer connection subject to paragraph 5, 6a, 6c and 9 of Section X.A. If a parcel is subdivided for multi-family, commercial, or industrial use, each lot created will be allocated two water and/or sewer connections and subject to the conditions stated in paragraphs 5, 6a, 6c and 9 of Section X.A. The connection charges are to be either: purchased; guaranteed by money in escrow; or guaranteed by a Letter of Credit, prior to the recording of the subdivision plat. If not purchased prior to recordation, then the lot owner must pay the connection charge within 30 days of the recording of the plat.
3. The Director of the Division of Utilities and Solid Waste

Management shall reserve fifteen percent (15%) of the capacity of each water and sewer system for public buildings and health hazard areas.

4. The general policy will be to allocate the remaining connections on a "first-come, first served" basis.
5. All allocations of connections are to be assigned to the property and remain with the property unless they are placed back into the allocation pool.
6. a. Allocated taps are to be used within two (2) years unless a Multi-Year Agreement is in effect, in which case the terms of that Agreement apply. Taps for Commercial/Industrial or Institutional use that have not been used within the above stated two (2) year period may be rescinded by the Board. The Water and Sewer Department will notify the Board of any unused taps after the two (2) year time period and said Department's recommendation concerning the taps will be placed on a regularly scheduled Commissioner's Public Agenda.
- b. The holder of record of the allocated taps will be notified thirty (30) days prior to the end of the two (2) year period that the

allocation is about to expire and the time, date and location of his hearing on the matter before the County Commissioners.

- c. The property for which a tap has been allocated will be assessed the minimum water and/or sewer charge beginning one (1) year after payment of the tap charge if a physical connection to the water and/or sewage system has not been made.
 - d. Taps rescinded or returned by the holder of record will be returned to the allocation pool.
7. Preference on allocations will be given to projects that have received allocations in previous years and can demonstrate that the connections are being used in a timely manner.
8. The Board of County Commissioners may enter into Multi-Year Agreements to assure continuity of a project. All Multi-Year Agreements must go before the Board for its approval. At the option of the Board, it may enter into a Multi-Year Agreement with a land owner and request an irrevocable Letter of Credit for at least fifty percent (50%) of the cost of the taps to be allocated. When the allocation of taps is made as part of the expansion or establishment of a water or sewage treatment system, the County

will require that the recipients of the allocation enter into a Public Works Agreement which may include a Multi-Year Tap Allocation Schedule. The Public Works Agreement will be secured by a Letter of Credit or cash deposited with the County to assure that the cost of the Developer's share of the taps is guaranteed to the County. The Public Works Agreement and the financial guarantee will be required after the design of the water and/or sewage facilities has been approved by the Department of Health and Mental Hygiene and prior to bidding the construction for the aforesaid facilities. No allocation of taps is complete without the Commissioner approved Public Works Agreement and financial guarantee and no tap fees will be collected or connection permits issued without the aforesaid agreements being approved by the Board.

9. The cost of connections will be as per the schedule in the Appendix.
10. The Developer has thirty (30) days from time of official written notification of his allocation to purchase the taps he has been allocated for the first calendar year. Failure to purchase these taps within the allotted time may void the Agreement or the

County may choose to draw on any financial guarantees that have been established between the Developer and the County.

11. Allocations will only be made for developments that have met all of the following requirements:

- a. Zoning of the property has been completed.
- b. The property owner has a sewer classification of S-4, S-3, S-2, S-1, and/or a water classification of W-4, W-3, W-2, W-1.
- c. Where necessary, the applicant must have received commitment for water or sewer service from the proper utility.
- d. Residential property: The property has an approved preliminary plan; or, if only a single lot, has an approved site plan, or recorded plat, whichever will best establish the number of equivalent units for allocating taps.
- e. Industrial/Commercial property: A commercial or industrial property will be allocated connections on the basis of the use identified for the property. Any connections above this number will be based upon actual user's plans for construction

~~B. Jefferson Sewer System~~

- ~~1. The allocation of sewer taps by the Board of County Commissioners will be on a "first-come, first-served" basis.~~
- ~~2. Preference on allocations will be given to lots of record as of January 1, 1978 or lots within a subdivision which received preliminary plat approval prior to January 1, 1978. Lots with structures will be given priority over vacant lots.~~

~~C. Lake Linganore Water and Sewer System~~

- ~~1. Of the sewer and water taps available after January 1, 1986, at least seventy-five (75) will be available exclusively for lots that are recorded among the Land Records of Frederick County as of January 1, 1984.~~
- ~~2. Each year when the allocation of taps is reviewed by the Board of County Commissioners, any deficit from the seventy-five (75) taps will be made up from the existing pool of available taps.~~
- ~~3. Application must be made for both a water and sewer tap.~~

SECTION XI. CONNECTION CHARGES - CAPACITY FEES

A. The rates for connection to the systems will be fixed and collected and from time to time revised or amended, by resolution of the Board of County Commissioners (see Appendix for the current connection charges).

B. Except as provided herein, connection charges are due and payable prior to issuance of (1) a building permit for new construction, or (2) a plumbing permit for modifications to an existing structure.

C. Commercial and Other Connections:

Initial computation of capacity charges will be based upon plumbing plans and riser diagrams using the fixture unit chart and the capacity adjustment factors, as shown in Appendix B. These charges are payable prior to the issuance of the building or plumbing permits. Prior to the approval of the Use and Occupancy Permit, a field inspection will verify actual installation and the capacity charges will be adjusted if changes from the plans occurred. Owner shall be responsible for payment of additional connection charges when a site visit reveals fixtures installed above those previously approved and paid for.

- D. The connection charges apply where a new system is constructed or the extension of an existing system has been declared ready for service and adjoining property owners are required to connect.
- E. Where non-County funds have been made available to pay for all or part of the capital cost of the system and in accordance with Section IV.D (2), the Board of County Commissioners may, by resolution, reduce but not eliminate the connection charge.
- F. On any single parcel of land classified as commercial and having multiple buildings or multiple uses within one building, the first residential living unit will be billed for sewer charges at the prevailing residential rate and any additional living units will be billed at the prevailing commercial rate.

TO BE FULLY REPEALED

APPENDIX C DESIGN CONTRACT REVIEW, ADMINISTRATIVE AND OVERHEAD FEE SCHEDULE

- A. Review fee for transmission or collector lines will be assessed at \$250.00 per page of the submitted plans.
- B. Review fee for facilities other than lines will be assessed at \$500.00 per page.
- C. A standard page is considered to be 24" x 36".
- D. The charge will be assessed and collected based upon the initial submission of a complete set of plans prior to the commencement of any review work.

TO BE FULLY REPEALED

APPENDIX D

Inspection Fee Schedule

(Construction Contract)

Review, Administrative and Overhead Fee Schedule

<u>Construction Contract</u>	<u>Cumulated Total</u>	<u>Add Per \$1,000.00</u>	<u>Cumulated Total Charge</u>	<u>Effective Rate</u>
Up to \$ 1,000	\$ 1,000		\$ 300.00	(30.0%)
Next \$ 2,000	\$ 3,000	\$250.00	\$ 800.00	(26.6%)
Next \$ 3,000	\$ 6,000	\$200.00	\$ 1,400.00	(23.3%)
Next \$ 4,000	\$ 10,000	\$150.00	\$ 2,000.00	(20.0%)
Next \$ 40,000	\$ 50,000	\$130.00	\$ 7,200.00	(14.2%)
Next \$ 50,000	\$ 100,000	\$110.00	\$12,700.00	(12.7%)
Next \$ 100,000	\$ 200,000	\$ 90.00	\$21,700.00	(10.9%)
Next \$ 100,000	\$ 300,000	\$ 70.00	\$28,700.00	(9.6%)
Next \$ 150,000	\$ 450,000	\$ 50.00	\$36,200.00	(8.0%)
Next \$ 150,000	\$ 600,000	\$ 40.00	\$42,200.00	(7.0%)
Next \$ 200,000	\$ 800,000	\$ 30.00	\$48,200.00	(7.0%)
Next \$ 200,000	\$1,000,000	\$ 20.00	\$52,200.00	(5.2%)
Over \$1,000,000		\$ 10.00		

TO BE FULLY REPEALED

APPENDIX E FEE SCHEDULE

Water or Sewer Connection Only					
TYPE	to 60'	61' - 100'	101' - 200'	201' - 300'	over 300'
Residential*					\$200 for all types of con- nections
Single	\$60	\$70	\$80	\$100	
Duplex	50	60	70	90	
Townhouse	40	50	60	80	
Multi-Family	30	40	50	70	
Mobil Homes**	25	35	45	65	
Commercial/Ind	60	70	80	100	
Institutional	60	70	80	100	

Water and Sewer Connection					
TYPE	to 60'	61' - 100'	101' - 200'	201' - 300'	over 300'
Residential*					\$200 for all types of con- nections
Single	\$60	\$75	\$85	\$100	
Duplex	50	65	80	95	
Townhouse	40	55	70	85	
Multi-Family	40	40	70	85	
Mobil Homes**	25	40	55	70	
Commercial/Ind	75	85	100	120	
Institutional	75	85	100	120	

* Farm Buildings to be treated same as single family

** Mobile Homes in a Mobile Home Park. Otherwise the Mobil Home is treated the same as a single family residence.

There will be a \$15 false alarm charge made for calls for inspection when the job is not ready for inspection.

FREDERICK COUNTY DIVISION OF UTILITIES AND SOLID WASTE MANAGEMENT

EQUIVALENT METER CHART

IMPROVED LOT OR PARCEL:

	METER SIZE	EQUIVALENT METER UNIT
RESIDENTIAL:	5/8"; 3/4", 1" (Town House Only)	1.0
	1" (Other than a Town House)	1.4

COMMERCIAL, INDUSTRIAL, INSTITUTIONAL:

5/8"	1.0
3/4"	1.1
1"	1.4
1 1/2"	1.8
2"	2.9
3"	11.0
4"	14.0
6"	21.0
8"	29.0
10"	38.0

UNIMPROVED LOT OR PARCEL	1.0
NON-CONNECTED LOT OR PARCEL	1.0

For all accounts with detector check assemblies on sprinkler system fire suppressions systems, the size of the detector check assembly, not the detection meter, will be used to determine the equivalent meter units.